

UNITED STATES CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

For Immediate Release

June 30, 2000

STATEMENT OF THE GENERAL COUNSEL AND CHIEF OPERATING OFFICER
CHRISTOPHER WARNER

On June 26, 2000, the Office of Legal Counsel of the U. S. Department of Justice issued a long-anticipated decision concerning the governance of the Chemical Safety and Hazard Investigation Board (CSB). In an eight-page memorandum, Acting Assistant Attorney General Randolph Moss clearly confirmed that the CSB, like all other similar multi-member federal agencies, is governed by majority vote. The Justice Department decision affirms a comprehensive legal memorandum provided to the Board Members by the CSB's Office of General Counsel on August 30, 1999. Three of the Board Members had accepted that memorandum as authoritative. Former CSB Chairperson Paul Hill did not. This disagreement caused disruption of CSB operations last fall and led three Board Members in November to seek a binding decision on governance from the Justice Department. Last December, former Chairperson Hill also agreed to be bound by the Justice Department decision.

As General Counsel and Chief Operating Officer, I am extremely pleased that the Justice Department has clearly affirmed the statutory voting rights of each Member of the Board. As that decision states, the basic principle governing all similar federal agencies is that "the majority rules." The decision provides, in part, that "[t]he Chairperson . . . carries out the day-to-day activities necessary to effectuate the Board's substantive decisions. He does not . . . make those decisions himself." Although the governance dispute between the Board Members formally ended with the Chairperson's resignation last January, this decision removes a legal cloud that has been hanging over the Board since that time and will help the CSB avoid future disputes. The decision also confirms that the "chairperson is subject in the exercise of his functions and duties as chairperson to oversight by the Board as a whole." Thanks to the Justice Department decision, the next Chairperson of the CSB will clearly understand that his or her role is to execute the policies of the Board as a whole, and that the Chairperson's actions are subject to the oversight of the full Board.

For additional information, please contact the CSB's Office of General Counsel at 202-261-7600.